

DRAFT - 14 Jan. 1972

The Honorable F. Edward Hebert
Chairman, House Armed
Services Committee
Washington, D. C. 20515

My dear Mr. Chairman:

This is in reply to your request of 5 January 1972 for our views and recommendations on H. R. 9853, a bill which establishes a "Commission on the Classification and Protection of Information," composed of members from the three branches of Government to study:

(a) all laws and rules on designation, use, access and protection of national security information held by the Department of Defense, the Central Intelligence Agency, and the National Security Agency to determine their effectiveness in light of the need to maintain free flow of information and the necessity to provide security for the United States, and

(b) the procedures used within the three branches of Government to control and protect national security information.

The bill also requires the Commission to submit an annual report to the President and each House on its findings and recommendations for legislative and administrative action, with specific regard for the executive branch and judicial hearings.

Both the dissemination and protection of national security information are vital concerns of this Agency involving specific statutory injunctions in the National Security Act of 1947 concerning the dissemination of foreign intelligence affecting the national security and the protecting of the sources and methods involved in its collection:

"SEC. 102. ...

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council-- ...

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: ... And provided further, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure...."

There is no doubt that there are continuing and perplexing problems raised by the necessity to protect national security information in our democratic society. It would appear that the objectives of H. R. 9853 would necessarily bring needed focus on these difficult problems.

It appears that the Commission would be dealing with the procedures relating to protection and dissemination of national security information rather than the information itself, but it is not always possible to disassociate one from the other. If the bill is enacted, this Agency would cooperate fully with the Commission and provide such information as ^{is} appropriate without impairing existing statutory responsibility to protect intelligence sources and methods.

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Respectfully,

Richard Helms
Director

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Remarks:

We are under some pressure from House Armed Services to report our views on H. R. 9853. [REDACTED] has already approved the attached draft. If it meets with your approval: (a) I will recommend to Mr. Maury that he call David Young, NSC, to see if it is consistent with the Administration's position, and, assuming it is ok, (b) will formally coordinate with all directorates for forwarding to the Director for his signature.

Please provide priority review. In basically approved to this.

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